

Attorney's Docket No.: 699-44979

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re PATENT APPLICATION of:

**WYSSMANN**

Confirmation No: 8639

Application No.: 10/596,637

Group Art Unit: 4166

Filed: **June 19, 2006**

Examiner: DOUKAS, Maria E.

Title: **DEVICE FOR TARGETED, CONTROLLABLE DELIVERY OR DRAWING OF A LIQUID OR VISCOUS SUBSTANCE**

March 2, 2009

**SUBMISSION UNDER 37 C.F.R. §§ 1.56, 1.97 & 1.98**  
**INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Barnes & Thornburg Customer No: <b>2 3 6 4 6</b> U.S. Patent and Trademark Office
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Sir:

To comply with 37 C.F.R. § 1.56, the attached PTO-1449 is submitted herewith to the Examiner for consideration in connection with the examination of the above-identified application.

Selected ones of the references were cited during the European Granting procedure for European Patent No. EP 1 702 174 B1, which corresponds to the present application: (1) EP 0 278 954 B1, (2) EP 0 343 157 B1, (3) EP 0 362 328 B1, (4) EP 0 598 867 B1 (which is the European counterpart to Wyssmann (U.S. Patent No. 5,741,275), to which the Examiner makes reference in the Office Action), (5) DE 35 32 335 A1, (6) DE 19 52 451 A1, and (7) DE 92 02

740 U1. Others of the references were cited during an opposition filed against European Patent No. EP 1 702 174: (8) DE 296 02 882 U1, (9) DE 298 19 715 U1, (10) DE 36 88 686 T2, (11) "Kunststoff Taschenbuch," Hans-Jurgen Saechtling, 24 August (Auflage), 1989, (pages 398, 399, 401, 568, 569), and (12) EP 0 826 128 B2.

English language abstracts are provided for those references not in English. The English language abstracts are relied upon for statements of relevance for those references. In addition, statements of relevance are provided on the attached sheet for those references for which an English language Abstract is not available.

Finally, a copy of the European counterpart application, European Patent No. 1 702 174 B1 is provided herewith. The European Patent lists the relevant references on the last page.

This Information Disclosure Statement is being submitted after the mailing date of a first Office Action. The required fee of \$ 180.00, under 37 C.F.R. § 1.17(p), is submitted herewith.

However, the Commissioner is hereby authorized to charge any required fees, or credit any overpayment, to Barnes & Thornburg LLP Deposit Account No. 02-1010 (699-44979).

Respectfully submitted,

BARNES & THORNBURG LLP

Date: **March 2, 2009**



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STATEMENT OF RELEVANCE

For the following references, English language Abstracts are not available. Accordingly, so that the references may be considered, the Applicant respectfully provides the following Statements of Relevance for those references.

German Patent Reference No. DE 1952451, which was cited with respect to the European Patent Application that is the counterpart to the above-captioned patent application, does not have an English Abstract available. However, U.S. Patent No. 3,577,230 is listed as a counterpart for that reference. Accordingly, the Applicant relies on the U.S. counterpart for a Statement of Relevance for the reference.

German Patent Reference No. DE 9202740 does not have an English Abstract available. Moreover, there appears to be no English language equivalent. Accordingly, as a Statement of Relevance, the Applicant respectfully submits that the German reference was cited in the European counterpart of the above-captioned U.S. Patent Application.

German Patent Reference No. 29602882 does not have an English Abstract available. Moreover, there appears to be no English language equivalent. Accordingly, as a Statement of Relevance, the Applicant respectfully submits that the German reference was cited in an opposition filed with respect to the European counterpart of the above-captioned U.S. Patent Application.

German Patent Reference No. 29818715 does not have an English Abstract available. Moreover, there appears to be no English language equivalent. Accordingly, as a Statement of Relevance, the Applicant respectfully submits that the German reference was cited in an opposition filed with respect to the European counterpart of the above-captioned U.S. Patent Application.

German Patent Reference No. 3688686 does not have an English Abstract available. Moreover, there appears to be no English language equivalent. Accordingly, as a Statement of Relevance, the Applicant respectfully submits that the German reference was cited in an opposition filed with respect to the European counterpart of the above-captioned U.S. Patent Application.

German Patent Reference No. 3688686 does not have an English Abstract available. Moreover, a copy of the reference is not readily available through the Internet. Moreover, there

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**U.S. Serial No.: 10/596,637**

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appears to be no English language equivalent. Accordingly, as a Statement of Relevance, the Applicant respectfully submits that the German reference was cited in an opposition filed with respect to the European counterpart of the above-captioned U.S. Patent Application. Since this reference has two U.S. counterparts, the Applicant respectfully lists U.S. Patent No. 4,774,047 and U.S. Patent No. 4,743,479 in lieu of the German reference.